

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOHNNY A. STEPHENS, SR.,

Plaintiff,

v.

OFFICER COLLINS, *et al.*,

Defendants.

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NO. 5:12-cv-192 (MTT)

**Proceedings Under 42 U.S.C. § 1983
Before the U.S. Magistrate Judge**

RECOMMENDATION

Before the Court is Plaintiff Johnny A. Stephens Sr.'s Motion for Voluntary Dismissal in which Plaintiff seeks to dismiss all of his pending claims against Defendants Annie Fair, Barbara James, and Selma Rozier. Doc. 54. To date, Defendants Annie Fair, Barbara James, and Selma Rozier have not responded to the Motion for Voluntary Dismissal. As such, it appears that Plaintiff's Motion for Voluntary Dismissal is unopposed.

Therefore, pursuant to Rule 41 of the Federal Rules of Civil Procedure, it is hereby **RECOMMENDED** that Plaintiff's Motion for Voluntary Dismissal be **GRANTED** and that Plaintiff's claims against Defendants Annie Fair, Barbara James, and Selma Rozier be **DISMISSED WITHOUT PREJUDICE**. It is **FURTHER RECOMMENDED** that the pending Motions for Summary Judgment filed by Defendants Annie Fair, Barbara James, and Selma Rozier (Docs. 39, 41, 45) be **DENIED AS MOOT**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation with the District Judge to whom the case is assigned **WITHIN FOURTEEN (14) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this the 19th day of July, 2013.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge